



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

---

*86 Chambers Street  
New York, NY 10007*

August 20, 2021

**By ECF**

Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Malloy v. U.S. Department of State, et al.*, No. 19 Civ. 6533 (PGG)(KNF)  
*Malloy v. Pompeo*, No. 18 Civ. 4756 (PGG)(KNF)

Dear Judge Gardephe:

This Office represents Defendants in the above-referenced matters. I write to respectfully request that the Court enter an order permitting the sealed filing of the Government's August 31, 2021, request for a conference in connection with the Government's anticipated motion for review of Magistrate Judge Fox's denial of the Government's motion for a protective order against the taking of Harry Ting's deposition. Consistent with Section II.B. of this Court's Individual Rules, these documents will be filed under seal on ECF and electronically related to this letter motion.

On May 12, 2021, Magistrate Judge Fox granted the Government's request that any information or documentation reflecting Mr. Ting's health conditions be designated "Attorney's Eyes Only" and not shared or discussed with Plaintiff Jane Malloy or any individuals other than Plaintiff's current counsel from the firm Selendy & Gay PLLC. The Government's letter motion contains information regarding Mr. Ting's health and attaches certain medical records.

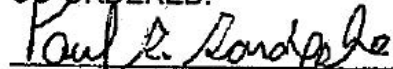
Accordingly, the Government respectfully requests that the Court enter order permitting the sealed filing of the August 31, 2021, letter motion and its attachments. Per Judge Fox's order, the Government further requests that the Viewing Level of the filing be restricted to only the designated parties referred to above, *i.e.* counsel for Defendants, and Plaintiff's current counsel from the firm Selendy & Gay PLLC. Plaintiff's counsel have stated that they represent Plaintiff for the purposes of depositions and mediation, whereas for all other purposes Plaintiff is *pro se*.

Thank you for your consideration of this matter.

**MEMO ENDORSED**

**The Application is granted.**

**SO ORDERED:**

  
Paul G. Gardephe, U.S.D.J.

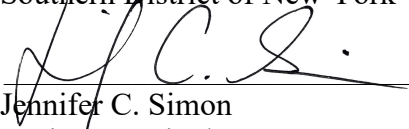
**Dated:** September 2, 2021

Page 2 of 2

Respectfully,

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

By:

  
Jennifer C. Simon  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, New York 10007  
Tel.: (212) 637-2746